

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/170,864 10/13/98 EDENSON

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EXAMINER

EL ISCA, P

ART UNIT PAPER NUMBER 7

2161

DATE MAILED:

05/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/170,864

Applicant(s)

Edenson et al.

Examiner
Pierre Eddy EliscaArt Unit
2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Mar 8, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.

4a) Of the above, claim(s) none is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-42 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20) Other:

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Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

1. This office action is in response to Applicant's response filed on 3/8/2001.

2. Claims 1-42 are remained.

Response to Arguments

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4, 6-17, and 19-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Houvener et al. (U.S. Pat. No. 5,790,674) in view of Hurta et al. (U.S. Pat. No. 5,602,919).**

As per claims 1, 4, 6-17, and 19-24 **Houvener** substantially discloses a secure and authentic database of digital photographic image (which is equivalent to Applicant's claimed invention wherein said a digital image system having at least on identification code identifying the image system, the image projection (image projection or display means)) system comprising: a verification unit for verifying the authorization code matches the identification code (see., fig 5, abstract, col 1, lines 21-27, col 4, lines 7-12, col 7, lines 24-32); a media player for reading digital data (which is readable as the point of verification terminal fig 2 which comprises a bar code reader for identifying the user present) stored on the data storage medium (see., col 5, lines 15-20); a projection unit (projection unit which is the displayed means 6 for verifying unauthorized digitized signature) for displaying the digital data on the condition that the authorization code matches the identification code (see., abstract, col 1, lines 21-27, col 4, lines 7-12, col 6, lines 54-67). Not specifically disclose by **Houvener** is the use of an interrogator and a transponder for reading authorization code from an identification module. However, **Hurta** discloses an interrogator and a transponder, in which the interrogator transmit an interrogation signal to the transponder in response to which the interrogator transmit back to the interrogator a response signal (see., abstract, fig 1, col

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1, lines 11-20). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the secure digital image of **Houvener** by incorporating an interrogator and a transponder as taught by **Hurta** because it would provide the secure digital image of **Houvener** with the advantage of increase privacy and flexibility with respect to identity verification of individual users that includes other pertinent data (see., **Hurta**, col 7, lines 57-64).

As per claims 2, 3, Hurta discloses the claimed limitation, wherein the identification system module comprising an RF identification system module (see., fig 1, col 3, lines 3-18).

6. **Claims 5, 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Houvener et al. (U.S. Pat. No. 5,790,674) in view of Hurta et al. (U.S. Pat. No. 5,602,919) in further in view of Saliga (U.S. Pat. No. 5,469,363).**

As per claims 5, 18, Houvener and Hurta substantially disclose a secure digital image system having at least one identification code identifying the image system, the image projection (or display means) system comprising:
a verification unit for verifying the authorization code matches the identification code (see., fig 5, abstract, col 1, lines 21-27, col 4, lines 7-12);

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a media player for reading digital data (which is readable as the point of verification terminal fig 2 which comprises a bar code reader for identifying the user present) stored on the data storage medium (see., col 5, lines 15-20);

a projection unit (projection unit which is the displayed means 6 for verifying unauthorized digitized signature) for displaying the digital data on the condition that the authorization code matches the identification code (see., abstract, col 1, lines 21-27, col 4, lines 7-12, col 6, lines 54-67). Not specifically disclose by **Houvener and Hurta** is the use of a jukebox for opening a tamper-proof. However, **Saliga** discloses an electronic tag with source certification 52 that is potted or sealed into a tamper-proof enclosure (see., abstract, col 3, lines 44-58). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the secure digital image of **Houvener and Hurta** by incorporating a tamper-proof as taught by **Saliga** because it would provide the secure digital image of **Houvener and Hurta** with increase secure transmittion reliability for positive identity verification that includes a smart tag for controlling sophisticated theft attempts.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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8. **Claims 25-42 are rejected under 35 U.S.C. 102 (e) as being patentable by Houvener et al. (U.S. Pat. No. 5,790,674).**

As per claims 25-42, Houvener discloses a digital storage medium for storing digital data (see., col 3, lines 57-65); and

an identification system module corresponding to the digital storage medium, the identification system module containing an authorization code describing which media players are authorized to read digital data from the digital storage medium (see., abstract, col 4, lines 1-12, col 6, lines 54-67).

Conclusion

9. The prior art made of record and relied upon is considered to applicant's disclosure.
10. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

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or faxed to:

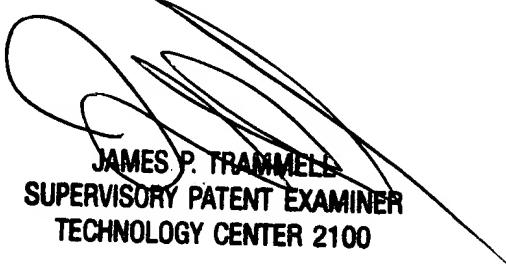
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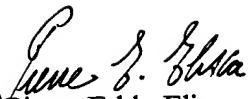
(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, pleased label
"PROPOSED" or" DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth floor (receptionist).


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


Pierre Eddy Elisca

Patent Examiner

May 08, 2001